

§ 903. Administration**(a) Employment and salary practices**

The secretary of each military department in the Department of Defense shall conduct the employment and salary practices applicable to teachers and teaching positions in his military department in accordance with this chapter, other applicable law, and the regulations prescribed and issued by the Secretary of Defense under section 902 of this title.

(b) Determination of exempt positions and individuals; establishment of annual salary rate

Subject to section 5103 of title 5, the secretary of each military department—

(1) shall determine the applicability of paragraph (22) of section 5102(c) of title 5 to positions and individuals in his military department, and

(2) shall establish the appropriate annual salary rate in accordance with this chapter for each such position and individual to which such paragraph (22) is determined to be applicable.

(c) Rates of basic compensation

The Secretary of each military department shall fix the basic compensation for teachers and teaching positions in his military department at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population.

(d) Issuance of regulations by Secretaries of military departments

The Secretary of each military department may prescribe and issue such regulations as he deems appropriate to carry out his functions under this chapter.

(Pub. L. 86-91, § 5, July 17, 1959, 73 Stat. 214; Pub. L. 86-370, § 6(b), Sept. 23, 1959, 73 Stat. 652; Pub. L. 89-391, § 1(b), (c), Apr. 14, 1966, 80 Stat. 117; Pub. L. 96-470, title I, § 104(b), Oct. 19, 1980, 94 Stat. 2238.)

CODIFICATION

In subsec. (b), “section 5103 of title 5” and “paragraph (22) of section 5102(c) of title 5” substituted for “section 202 of the Classification Act of 1949” and “paragraph (33) of section 202 of such Act, added by section 3 of this Act” respectively, on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Provisions of section 1(b) and (c) of Pub. L. 89-391 for amendment of subsec. (c) of this section and addition of other provisions as another subsec. (c), have been executed in the Code as an amendment of subsec. (c) of this section and addition of subsec. (e) of this section, respectively.

Section was formerly classified to section 2353 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1980—Subsec. (e). Pub. L. 96-470 struck out subsec. (e) which required the Secretary of Defense, on or before the 15th day of January in each calendar year beginning after Apr. 14, 1966, to report to the respective Committees on Post Office and Civil Service of the Senate

and House of Representatives information on teachers separated from teaching positions subsequent to the close of the immediately preceding full school year and the number of new teachers appointed to teaching positions at the beginning of the school year current at time of the report, including the number of such new teachers obtained through voluntary reciprocal interchange agreements with school jurisdictions in the United States.

1966—Subsec. (c). Pub. L. 89-391, § 1(b), substituted provisions for fixing the basic compensation for teachers and teaching positions at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population for former provisions fixing such rates in relation to the rates of basic compensation for similar positions in the United States but not exceeding the highest rate of basic compensation for similar positions of a comparable level of duties and responsibilities under the municipal government of the District of Columbia.

Subsec. (e). Pub. L. 89-391, § 1(c), inserted provisions designated as subsec. (c) to section 5 of Pub. L. 86-91, but codified as subsec. (e) of this section.

1959—Subsec. (b). Pub. L. 86-370 substituted “(33)” for “(32)” in two places.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendments of this section by Pub. L. 89-391 effective on first day of first pay period beginning after Apr. 14, 1966, see section 2 of Pub. L. 89-391, set out as a note under section 902 of this title.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-370 effective on first day of first pay period which begins after Sept. 23, 1959, see section 7(b) of Pub. L. 86-370, set out as a note under section 3 of Title 35, Patents.

TEACHERS EMPLOYED BY CANAL ZONE GOVERNMENT SCHOOL SYSTEM ON SEPTEMBER 30, 1979

Subsec. (c) of this section not to apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the Department of Defense Overseas Dependent School System and the permanent duty station of which is in the Republic of Panama, until the rates of basic compensation established under subsec. (c) of this section equal or exceed the rates of basic compensation then in effect for teachers who were so transferred, see section 3671(c)(1) of Title 22, Foreign Relations and Intercourse.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 22 section 3671.

§ 904. Leave**(a) Entitlement; amount**

Subject to the regulations prescribed and issued by the Secretary of Defense under section 902 of this title, each teacher (other than an individual employed as a substitute teacher) shall be entitled to cumulative leave, with pay, which shall accrue at the rate of one day for each calendar month, or part thereof, of a school year, except that if the school year includes more than eight months, any such teacher who shall have served for the entire school year shall be entitled to ten (or, if such teacher is employed in a supervisory position or higher, not less than ten and not more than thirteen) days of cumulative leave with pay.